

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	§	Group Art Unit: 2179
	§	
Garret R. Goldfield, et al.	§	Examiner: Dam, Kim Lynn
	§	
	§	Atty. Dkt. No.: 6034-04500
	§	
Serial No. 10/751,194	§	
	§	
	§	
Filed: December 31, 2003	§	
	§	
For: Providing Software Application	§	
Help Based on Heuristics	§	

APPEAL BRIEF

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Further to the Notice of Appeal filed February 19, 2008, Appellants present this Appeal Brief. **This Appeal Brief is timely filed within the one month period from the mailing date of the Notice of Panel Decision. Accordingly, no extension of time fee should be due.** Appellants respectfully request that the Board of Patent Appeals and Interferences consider this appeal.

I. REAL PARTY IN INTEREST

The subject application is owned by Intuit, Inc., a corporation having its principal place of business at 2535 Garcia Avenue, Mountain View, CA 94043.

II. RELATED APPEALS AND INTERFERENCES

No other appeals, interferences or judicial proceedings are known which would be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-8, 10, 11, 13-18, 20, 21 and 23-27 are pending and stand finally rejected. Claims 9, 12, 19 and 22 have been cancelled. The rejection of claims 1-8, 10, 11, 13-18, 20, 21 and 23-27 is being appealed. A copy of the appealed claims, as currently pending, is included in the Claims Appendix herein below.

IV. STATUS OF AMENDMENTS

Claim 23 was amended in the response filed January 16, 2008. As indicated by the Advisory Action mailed February 13, 2008, the amendment to claim 23 has been entered. No other amendments have been submitted subsequent to the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed toward a computer-implemented method of providing help information for a software application (*see e.g.*, page 10, lines 6-17; Figure 2, items 202-208). The method includes maintaining a user help knowledge base; such maintaining may include creating multiple data entries (*see e.g.*, page 6, line 12 – page 7, line 4; page 7, line 11 – page 8, line 6; item 120 of Figure 1). Each data entry of the multiple data entries includes data indicating help information presented to a user by the software application in response to a selection of a help information file including the help information (*see e.g.*, page 7, line 20 – page 8, line 6; item 120 of Figure 1). Each data entry of the multiple data entries including data indicating a presentation mode selected by the user; the help information is presented to the user according to the presentation mode selected by the user (*see e.g.*, page 7, line 20 – page 8, line 6; item 120 of Figure 1). Each data entry of the multiple data entries includes data indicating an application context; the application context is a portion of the software application executing during the selection of the help information file (*see e.g.*, page 7, line 20 – page 8, line 6; item 120 of Figure 1). The method also includes selecting additional help information for presentation to a user based on a particular entry of the user help knowledge base including help information previously selected by a user as indicated by the particular entry (*see e.g.*, page 14, line 17 – page 15, line 12; items 406-407 of Figure 4). The method also includes determining a presentation mode for the additional help information based on the particular entry of the user knowledge base including a presentation mode of help information previously selected by the user as indicated by the particular entry (*see e.g.*, page 19, line 6 – page 20, line 2; the flowchart of Figure 6). The method also includes presenting the additional help information according to the determined presentation mode (*see e.g.*, page 10, lines 6-17; Figure 2, items 202-208).

Independent claim 11 is directed toward a computer-implemented method of providing help information for a software application (*see e.g.*, page 10, lines 6-17; Figure 2, items 202-208). The method includes selecting particular help information for presentation to a user based on a user help knowledge base (*see e.g.*, page 6, line 12 –

page 7, line 4; page 7, line 11 – page 8, line 6; item 120 of Figure 1). The user help knowledge base includes data indicating help information previously accessed by the user (*see e.g.*, page 7, line 20 – page 8, line 6; item 120 of Figure 1). The user help knowledge base includes data indicating a previous presentation mode; the previous presentation mode is associated with the help information previously accessed by the user (*see e.g.*, page 7, line 20 – page 8, line 6; item 120 of Figure 1). The user help knowledge base includes data indicating an application context; the application context is a portion of the software application executing during a selection of the help information previously accessed by the user (*see e.g.*, page 7, line 20 – page 8, line 6; item 120 of Figure 1). The method includes selecting particular help information for presentation to a user based on a current application context that indicates a portion of the software application currently executing (*see e.g.*, page 3, lines 9-18; page 7, line 20 – page 8, line 6). The method also includes determining a presentation mode for the particular help information based on the previous presentation mode indicated by the user help knowledge base (*see e.g.*, page 19, line 6 – page 20, line 2; the flowchart of Figure 6). The method also includes presenting the particular help information according to the determined presentation mode (*see e.g.*, page 10, lines 6-17; Figure 2, items 202-208).

Independent claim 21 is directed toward a system of providing help information for a software application (*see e.g.*, page 6, line 11 – page 7, line 4; item 100 of Figure 1). The system includes a processor configured to execute the software application (*see e.g.*, page 9, lines 4-7). The system also includes a memory accessible to the processor, and the memory stores a user help knowledge base and a database of help information files (*see e.g.*, page 9, line 4 – page 10, line 5; items 110 and 120 of Figure 1). The user help knowledge base includes multiple data entries each including data indicating help information previously accessed by a user from the database of help files (*see e.g.*, page 7, line 20 – page 8, line 6; item 120 of Figure 1). The user help knowledge base includes multiple data entries each including data indicating a previous presentation mode; the previous presentation mode is associated with the help information previously accessed by the user (*see e.g.*, page 7, line 20 – page 8, line 6; item 120 of Figure 1). The user help knowledge base includes multiple data entries each including data indicating an

application context; the application context is a portion of the software application executing during a selection of the help information previously accessed by the user (*see e.g.*, page 7, line 20 – page 8, line 6; item 120 of Figure 1). The system also includes an input device communicatively coupled to the processor to receive user input (*see e.g.*, page 6, line 11 – page 7, line 4; “User Data from Input Device” of Figure 1). The system also includes an output device communicatively coupled to the processor for presenting data (*see e.g.*, page 6, line 11 – page 7, line 4; “Help Data to Output Device” of Figure 1). The software application is executable by the processor to provide a help module configured to select particular help information for presentation to a user (*see e.g.*, page 7, lines 5-10; item 108 of Figure 1). The selection is based on the help information previously accessed by a user from the database of help files as specified by the user help knowledge base (*see e.g.*, page 14, line 17 – page 15, line 12; items 406-407 of Figure 4). The selection is based also based on the application context as specified by the user help knowledge base (*see e.g.*, page 7, line 20 – page 8, line 6; item 120 of Figure 1). The help module is further configured to determine a presentation mode for the particular help information based on the previous presentation mode indicated by the user help knowledge base (*see e.g.*, page 19, line 6 – page 20, line 2; the flowchart of Figure 6). The system also includes an application module communicatively coupled to the help module; the application module and help module are configured to exchange user data (*see e.g.*, page 7, lines 5-10; item 104 of Figure 1). The system also includes a user interface module communicatively coupled to the help module (*see e.g.*, page 6, line 11 – page 7, line 4; item 102 of Figure 1). The user interface module is configured to receive user input from the user input device, send user input data to the help module, and format the particular help information from the help module according to the determined presentation mode for presentation by the output device (*see e.g.*, page 6, line 11 – page 7, line 4; page 10, lines 6-17; item 102 of Figure 1).

Independent claim 26 is directed toward a computer-implemented method of providing help information for a software application (*see e.g.*, page 10, lines 6-17; Figure 2, items 202-208). The method includes selecting help information for presentation to a user based on other help information previously selected by a user (*see*

e.g., page 7, line 20 – page 8, line 6; item 204 of Figure 2). The method also includes determining a presentation mode of the selected help information based on a presentation mode of the other help information previously selected by the user (*see e.g.*, page 19, line 6 – page 20, line 2; the flowchart of Figure 6). The method also includes determining a priority for presentation of the help information based on one or more help rules; the priority indicates an order of presentation for different portions of the help information (*see e.g.*, page 17, lines 3-18; block 520 of Figure 5). The method also includes presenting the selected help information according to the determined presentation mode and the priority (*see e.g.*, page 10, lines 6-17; page 20, lines 3-11; Figure 2, items 202-208).

The summary above describes various examples and embodiments of the claimed subject matter; however, the claims are not necessarily limited to any of these examples and embodiments. The claims should be interpreted based on the wording of the respective claims.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-8, 10, 11, 13-18, 20, 21 and 23-27 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Weinlaender (U.S. Publication 2002/0015056) in view of Garber et al. (U.S. Patent 4,905,163) (hereinafter “Garber”).

VII. ARGUMENT

Claims 1-8, 10, 11, 13-18, 20, 21 and 23-27 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Weinlaender in view of Garber. Appellants traverse this rejection for at least the following reasons. Different groups of claims are addressed under their respective subheadings.

Claims 1-3, 6-8 10, 21 and 24

In regard to claim 1, contrary to the Examiner's assertion, Weinlaender in view of Garber fails to teach or suggest maintaining a user help knowledge base, wherein said maintaining comprises creating a plurality of data entries, wherein each data entry of said plurality of data entries comprises data indicating: (a) help information presented to a user by said software application in response to a selection of a help information file comprising the help information, (b) a presentation mode selected by the user, wherein said help information is presented to the user according to said presentation mode selected by the user, and (c) an application context, wherein the application context is a portion of said software application executing during said selection of the help information file. Appellants note that the Examiner has failed to specify the portion of the cited art that corresponds to the claimed *each data entry comprising data indicating help information presented to a user by said software application in response to a selection of a help information file comprising the help information*, much less *each data entry comprising data indicating an application context, wherein the application context is a portion of said software application executing during said selection [referring to a past selection "presented" to the user] of the help information file.* Note that claim 1 recites that each data entry comprise data indicating *help information presented [past tense] to a user in response to a selection, and the application context during that prior selection.* The statute clearly places a burden of proof on the Patent Office which requires the Examiner to produce a factual basis for his rejection of an application under sections 102 and 103. *In re Warner*, 154 USPQ 173, 177 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968). Since the Examiner has failed to demonstrate any particular

teachings in the cited art that teach or suggest each specific claim limitation, the Examiner has failed to meet the burden to establish a *prima facie* rejection. More specific shortcomings of the Examiner rejections are addressed as follows.

Claim 1 requires that each data entry of said plurality of data entries also comprises data indicating an application context, wherein the application context is a portion of said software application executing during said selection of the help information file. Presumably, the Examiner considers the user “access[ing] the group of available help topic data sets [] directly” (paragraph [0022] of Weinlaender) to somehow teach the *selection* of claim 1. However, “said selection” in claim 1 recites a selection of a help information file for help information **that has already been “presented” to the user**. Thus, “said selection” in claim 1 refers to a **prior selection**. The user’s ability to “still access the group of available help topic data sets 130 directly” as taught in paragraph [0022] of Weinlaender has absolutely nothing to do with each data entry also comprising data indicating an application context that is a portion of said software application executing during the past selection of the help information file. The cited art is ambiguous at best with respect to which portions of Weinlaender’s application are executing at various times. The cited art certainly does not teach or suggest that each data entry indicates help information presented (past tense) to a user by said software application in response to a selection of a help information file comprising the help information, and that each data entry also indicates an application context that is a portion of said software application executing during the past selection of the help information file.

The Examiner also cites paragraphs [0009], [0013], and [0022] and asserts “where recorded the types of access also apply to user’s access to the help information, therefore the context during said selection of help information must also be stored in a data entry.” **The Examiner’s conclusion does not make sense and is not supported by the actual teaching of the reference.** The Examiner’s conclusion that “the context during said selection of help information must also be stored in a data entry” is completely unfounded. There is no reason why any context would need to be stored to indicate

“types of access” in Weinlaender. Moreover, claim 1 does not recite “types of access” and also does not recite mere “context.” Instead, claim 1 requires that each data entry also comprises data indicating an application context that is a portion of said software application executing during the past selection of the help information file. The “types of access” in Weinlaender has absolutely nothing to do with each data entry also comprising data indicating an application context that is a portion of said software application executing during the past selection of the help information file. The cited art is ambiguous at best with respect to which portions of Weinlaender’s application are executing at various times. The Examiner’s assertion that “the context during said selection of help information must also be stored in a data entry” is not supported by the cited art or any other evidence of record.

In the Advisory Action mailed February 13, 2008, the Examiner asserts that the cited art teaches “storing an application context, wherein the application context is a portion of said software application executing during said selection of the help information file.” The Examiner cites the Abstract and paragraphs 7, 9, 13, and 22 of Weinlaender. The Examiner also asserts “where ‘user profile data set’ stores selected data sets in accordance with the frequency and/or the type of the user’s access and time stamps assigned to recorded types are the application context.” However, as demonstrated above, claim 1 requires that each data entry also comprises data indicating an application context that is a portion of said software application executing during the past selection of the help information file. The “types of access” in Weinlaender (even when considered with Weinlaender’s “time stamps”) has absolutely nothing to do with each data entry also comprising data indicating an application context that is a portion of said software application executing during the past selection of the help information file. Neither time stamps nor “types of access” are data indicating an application context that is a portion of said software application *executing during the past selection* of the help information file. The cited art does not describe a particular portion of a software application executing during a selection of a help information file and that each data entry of a plurality of data entries comprises data indicating an application context, wherein the application context is that portion of the software application that was executing during

the previous selection of the help information file. The Examiner has failed to address these specific arguments.

Additionally, the cited art fails to teach or suggest selecting additional help information for presentation to a user based on a particular entry of the user help knowledge base, where that entry indicates previously selected help information, presentation mode, and application context, as recited in claim 1. The Examiner cites paragraph [0009] and paragraph [0013] of Weinlaender. In paragraph [0009], Weinlaender specifically discloses that his help system “selects help topic data sets” “wherein this selection is dynamically dependent on a user’s actual access frequency and actual types of access” (emphasis added). However, neither “access frequency” nor “types of access” is the same as *a portion of the software application executing during said selection of the help information file*. In paragraph [0013], Weinlaender provides examples of the “types of access” recorded in his user profile data set including “types of activated user functions; the data types processed by the activated user functions; and the user’s dialog techniques to activate the user functions,” **none of which are the same as an application context**, wherein the application context is **a portion of said software application executing during said selection of the help information file**. The cited art clearly does not teach or suggest *selecting additional help information for presentation to a user based on a particular entry of the user help knowledge base indicating help information previously selected by a user as indicated by said particular entry*.

Additionally, the cited art does not teach or suggest determining a presentation mode for the additional help information based on said particular entry of the user knowledge base, where that entry indicates previously selected help information, presentation mode, and application context, as recited in claim 1. The Examiner cites column 2, line 52 – column 3, line 4 and column 7, lines 27-37, neither of which teach or suggest anything at all about the specific data entries of Appellants’ claim, much less determining a presentation mode based on one of such data entries. The Examiner asserts “where monitoring users’ activity to determine preferences means their previously selected presentation modes must be stored in some type of data entry.” The

Examiner's statement is factually incorrect. Monitoring does not require storing. Moreover, whether Garber teaches "some type of data entry" is irrelevant as Garber certainly does not teach data entries according to the specific limitations of claim 1, much less determining a presentation mode for the additional help information based on a particular one of such data entries.

Furthermore, the Examiner has not stated a proper reason as to why one or ordinary skill in the art would combine the teachings of Garber with the teachings of Weinlaender to produce Appellants' invention as claimed. The Examiner asserts "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to the user's typical preferences (Garber: Column 7, lines 27-37)." However, column 7, lines 27-37 of Garber fail to mention anything at all about help information. Similarly, Weinlaender fails to mention anything about multiple presentation modes. Since Weinlaender fails to mention anything about multiple presentation modes and Garber fails to mention anything at all about help information, one of ordinary skill in the art would have no direction or reason to combine their teachings to "allow help information to be presented in a mode according to the user's typical preferences", much less create Appellants' specific invention as claimed. The Examiner is merely attempting to reconstruct Appellants' claimed invention through hindsight analysis.

Thus, for at least the reasons presented above, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 4

In regard to claim 4, Weinlaender in view of Garber fails to teach or suggest prioritizing the additional help information for presentation based on the user help knowledge base and one or more help rules each associated with a change in application context of the software application. The Examiner cites paragraphs [0009]

and [0026]-[0029] of Weinlaender, none of which teach or suggest the specific limitations of claim 26. More specifically, nowhere does Weinlaender mention anything at all about help rules, much less *prioritizing* the additional help information for presentation *based on* the user help knowledge base *and one or more help rules* each associated with a change in application context of the software application. The Examiner also asserts “where the selected help information is dynamically selected depending on user’s utilization focus or utilization habits” and “frequency and/or types of access to functions/learning characteristics etc, which have to come from recorded changes in application context” (emphasis added). Appellants note that the Examiner’s assertions with respect to application context are not supported by any evidence of record. Furthermore, as demonstrated above, nowhere does Weinlaender mention anything at all about help rules, much less prioritizing the additional help information for presentation *based on* the user help knowledge base *and one or more help rules* each associated with a change in application context of the software application.

Thus, for at least the reasons presented above, the rejection of claim 4 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 5

In regard to claim 5, Weinlaender in view of Garber fails to teach or suggest wherein selecting additional help information for presentation comprises selecting help information from third-party service providers based on the user help knowledge base. The Examiner acknowledges that Weinlaender does not teach this limitation. The Examiner cites page 4, paragraph [0039] of Weinlaender, which discloses computer networks including the Internet, and asserts the limitations of claim 5 are obvious in light of such disclosure. The Examiner further asserts that “[t]he skilled artisan knows that computer networks based on communication via the Internet would allow for help presentation from third-party service providers to be selected.” First, the Examiner has not provided any documentary evidence in support of his assertion. Furthermore, whether or not various modifications *could* be allowed via computer

networks is irrelevant as the Examiner has not provided a proper reason as to *why* one of ordinary skill in the art would have reason to use such modifications to alter the teachings of Weinlaender and Garber in a way that would result in Appellants' claimed invention. **Furthermore, nothing about the Internet inherently requires or even suggests the use of a third-party service provider in a manner according to the specific limitations of Appellants' claim.**

Furthermore, Appellants' assert the Examiner has not provided a proper reason as to why one of ordinary skill in the art would modify the teachings of Weinlaender and Garber in such a way that would result in Appellants' claimed invention. In the response to arguments section of the Final Office Action, the Examiner asserts "Information can be retrieved from various sources and Weinlaender would have been motivated to have additional help information available from third-party service providers in order to not limit the help information available to what is available on their database" (emphasis added). **The Examiner's reasoning is circular and conclusory.** Furthermore, the Examiner has not provided any documentary evidence that teaches or suggests modifying the teachings of Weinlaender and Garber in such a way that would result in Appellants' claimed invention. Since Weinlaender and Garber fail to mention anything at all about selecting help information from third-party service providers based on the user help knowledge base, Appellants assert the rejection is improper.

Thus, for at least the reasons presented above, the rejection of claim 5 is unsupported by the cited art and removal thereof is respectfully requested.

Claims 11, 13, 16-18 and 20

In regard to claim 11, Appellants note the Examiner has failed to even attempt to state a *prima facie* rejection of Appellants' claim. More specifically, the Examiner asserts "the limitations of the claims are similar to those of claim 1, therefore it is rejected under the same rationale as applied above." **However, the limitations of claim 11 are not the same as the limitations of claim 1.** Claim 11 includes limitations

not present within claim 1. For instance, claim 11 recites a.) a user help knowledge base comprising data indicating an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user and b.) a current application context that indicates a portion of the software application currently executing. Claim 1 does not recite a current application context as recited in claim 11. Accordingly, the Examiner has failed to state a *prima facie* rejection of Appellants' claim. Furthermore, neither Weinlaender nor Garber, taken singly or in combination, teach or suggest selecting particular help information for presentation to a user based on a user help knowledge base (which indicates an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user) and a *current* application context that indicates a portion of the software application *currently* executing.

Furthermore, Weinlaender in view of Garber fails to teach or suggest selecting particular help information for presentation to a user based on (a) a user help knowledge base comprising data indicating (i) help information previously accessed by the user, (ii) a previous presentation mode, wherein the previous presentation mode is associated with said help information previously accessed by the user, and (iii) an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user; and (b) a current application context that indicates a portion of the software application currently executing. As demonstrated above with respect to claim 1, Weinlaender does disclose a "user profile data set" that stores "help topic data sets (130) and/or the frequency and/or the type of a user's access to utilization function of a software program" (Abstract). Similarly, in column 7, lines 40-44, Garber discloses "...the User Modeling system might be used to examine an individual's user history, determine what concepts are not understood and select a presentation mode best able to communicate those concepts." However, neither Garber's "user history" nor Weinlaender's "user profile data set" indicate information previously accessed by a user, a previous presentation mode and an application context according to the specific limitations of claim 11. **More specifically,**

Garber and Weinlaender, taken singly or in combination, fail to teach or suggest anything about a user help knowledge base that indicates an application context, wherein the application context is a portion of said software application executing during said selection of the help information file.

Appellants note that the Examiner has failed to specify the portion of the cited art that corresponds to the claimed *selection of said help information file previously accessed by the user*, much less *selecting particular help information for presentation to a user based on a user help knowledge base comprising data indicating an application context wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user*. The Examiner does cite paragraph [0022] of Weinlaender, which is reproduced above with respect to claim 1. Paragraph [0022] fails to explicitly teach or suggest *a selection of said help information file previously accessed by the user*, much less *selecting particular help information for presentation to a user based on a user help knowledge base comprising data indicating an application context wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user*. Even were the cited art to teach such a selection, claim 11 recites an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user. Presumably, the Examiner considers the user “access[ing] the group of available help topic data sets [] directly” (paragraph [0022] of Weinlaender) to somehow teach the *selection* of claim 11. Irrespective of the correctness of such position, for the Examiner’s rejection to remotely make sense, the cited art would have to teach an application context that is a portion of said software application executing during a selection of said help information previously accessed by the user. Again, under the presumption that the Examiner considers “access[ing] the group of available help topic data sets [] directly” to somehow teach the *selection* of claim 11, Appellants’ assert that the cited art fails to teach or suggest that *selecting particular help information for presentation to a user based on a user help knowledge base comprising data indicating an application context wherein the application context is a portion of the software application executing during a selection*

of said help information previously accessed by the user. The cited art is ambiguous with respect to which portions of Weinlaender's application are executing at various times. The cited art certainly does not teach or suggest a portion of a software application executing during the selection of a help information file previously access by the user and selecting particular help information for presentation to a user based on a user help knowledge base comprising data indicating an application context wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user.

Furthermore, the Examiner cites paragraphs [0009], [0013], and [0022] and asserts "where recorded the types of access also apply to user's access to the help information, therefore the context during said selection of help information must also be stored in a data entry." **The Examiner's assertion does not make sense and is not supported by any evidence of record.** As demonstrated above, the cited art is ambiguous with respect to which portions of Weinlaender's application are executing at various times. The cited art does not teach or suggest selecting particular help information for presentation to a user based on a user help knowledge base comprising data indicating an application context wherein the application context is a portion of the software application executing *during a selection of said help information previously accessed by the user.* The Examiner's assertion that "the context during said selection of help information must also be stored in a data entry" is not supported by the cited art or any other evidence of record.

Furthermore, Appellants assert the Examiner has not stated a proper reason as to why one or ordinary skill in the art would combine the teachings of Garber with the teachings of Weinlaender to produce Appellants' invention as claimed. The Examiner asserts "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to the user's typical preferences (Garber: Column 7, lines 27-37)." However, as demonstrated above, column 7, lines 27-37 of Garber fail to mention anything at all

about help information. Similarly, Weinlaender fails to mention anything about multiple presentation modes. Since Weinlaender fails to mention anything about multiple presentation modes and Garber fails to mention anything at all about help information, one of ordinary skill in the art would have no motivation at to combine their teachings to “allow help information to be presented in a mode according to the user’s typical preferences” much less create Appellants’ invention as claimed. The Examiner is merely attempting to reconstruct Appellants’ claimed invention through hindsight analysis.

Thus, for at least the reasons presented above, the rejection of claim 11 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 14

In regard to claim 14, Weinlaender in view of Garber fails to teach or suggest prioritizing the additional help information for presentation based on the user help knowledge base and one or more help rules each associated with a change in application context of the software application. The Examiner cites paragraphs [0009] and [0026]-[0029] of Weinlaender, none of which teach or suggest the specific limitations of claim 26. More specifically, nowhere does Weinlaender mention anything at all about help rules, much less *prioritizing* the additional help information for presentation *based on* the user help knowledge base *and one or more help rules* each associated with a change in application context of the software application. The Examiner also asserts “where the selected help information is dynamically selected depending on user’s utilization focus or utilization habits” and “frequency and/or types of access to functions/learning characteristics etc, which have to come from recorded changes in application context” (emphasis added). Appellants note that the Examiner’s assertions with respect to application context are not supported by any evidence of record. Furthermore, as demonstrated above, nowhere does Weinlaender mention anything at all about help rules, much less prioritizing the additional help information for presentation *based on* the user help knowledge base *and one or more help rules* each associated with a change in application context of the software application.

Thus, for at least the reasons presented above, the rejection of claim 14 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 15

In regard to claim 15, Weinlaender in view of Garber fails to teach or suggest wherein selecting additional help information for presentation comprises selecting help information from third-party service providers based on the user help knowledge base. The Examiner acknowledges that Weinlaender does not teach this limitation. The Examiner cites page 4, paragraph [0039] of Weinlaender, which discloses computer networks including the Internet, and asserts the limitations of claim 5 are obvious in light of such disclosure. The Examiner further asserts that “[t]he skilled artisan knows that computer networks based on communication via the Internet would allow for help presentation from third-party service providers to be selected.” First, the Examiner has not provided any documentary evidence in support of his assertion. Furthermore, whether or not various modifications *could* be allowed via computer networks is irrelevant as the Examiner has not provided a proper reason as to *why* one of ordinary skill in the art would have reason to use such modifications to alter the teachings of Weinlaender and Garber in a way that would result in Appellants’ claimed invention. **Furthermore, nothing about the Internet inherently requires or even suggests the use of a third-party service provider in a manner according to the specific limitations of Appellants’ claim.**

Furthermore, Appellants’ assert the Examiner has not provided a proper reason as to why one of ordinary skill in the art would modify the teachings of Weinlaender and Garber in such a way that would result in Appellants’ claimed invention. In the response to arguments section of the Final Office Action, the Examiner asserts “Information can be retrieved from various sources and Weinlaender would have been motivated to have additional help information available from third-party service providers in order to not limit the help information available to what is available on their

database” (emphasis added). **The Examiner’s reasoning is circular and conclusory.** Furthermore, the Examiner has not provided any documentary evidence that teaches or suggests modifying the teachings of Weinlaender and Garber in such a way that would result in Appellants’ claimed invention. Since Weinlaender and Garber fail to mention anything at all about selecting help information from third-party service providers based on the user help knowledge base, Appellants’ assert the rejection is improper.

Thus, for at least the reasons presented above, the rejection of claim 15 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 23

The cited art fails to teach or suggest wherein the user help profile comprises at least one data entry created by the software application in response to a user selection of a help information file from said database, the data entry including the following data: the application context in which the help file is selected, an identifier of the help file selected, a presentation mode in which the help file was selected, at least one help topic associated with the help file, and a help content format of the file. The Examiner cites paragraph [0013] and [0021]-[0023] “where user interactions are dynamically recorded.” Irrespective of whether “user interactions are dynamically recorded,” the cited art fails to mention anything at all about the application context in which a help file is selected. As recited in claim 21, on which claim 23 relies, the application context is a portion of the software application executing during a selection of said help information previously accessed by said user. Neither Weinlaender nor Garber, taken singly or in combination, teach or suggest wherein the user help profile comprises at least one data entry created by the software application in response to a user selection of a help information file from said database, the data entry including the following data: the application context in which the help file is selected, an identifier of the help file selected, a presentation mode in which the help file was selected, at least one help topic associated with the help file, and a help content format of the file.

Thus, for at least the reasons presented above, the rejection of claim 23 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 25

The cited art fails to teach or suggest wherein the system further comprises a network interface accessible to the processor, and wherein the help module further comprises a communication interface to a server for communications with a third party service provider, wherein the help module is further configured to request information from the third party service provider and to receive the information through the communication interface. The Examiner acknowledges that Weinlaender does not teach this limitation. The Examiner cites page 4, paragraph [0039] of Weinlaender, which discloses computer networks including the Internet, and asserts the limitations of claim 5 are obvious in light of such disclosure. The Examiner further asserts that “[t]he skilled artisan knows that computer networks based on communication via the Internet would allow for help presentation from third-party service providers to be selected.” First, the Examiner has not provided any documentary evidence in support of his assertion. Furthermore, whether or not various modifications *could* be allowed via computer networks is irrelevant as the Examiner has not provided a proper reason as to *why* one of ordinary skill in the art would have reason to use such modifications to alter the teachings of Weinlaender and Garber in a way that would result in Appellants’ claimed invention. Furthermore, nothing about the Internet inherently requires or even suggests the use of a third-party service provider in a manner according to the specific limitations of Appellants’ claim.

Furthermore, Appellants’ assert the Examiner has not provided a proper reason as to why one of ordinary skill in the art would modify the teachings of Weinlaender and Garber in such a way that would result in Appellants’ claimed invention. In the response to arguments section of the Final Office Action, the Examiner asserts “Information can be retrieved from various sources and Weinlaender would have been motivated to have additional help information available from third-party service

providers in order to not limit the help information available to what is available on their database” (emphasis added). **The Examiner’s reasoning is circular and conclusory.** Furthermore, the Examiner has not provided any documentary evidence that teaches or suggests modifying the teachings of Weinlaender and Garber in such a way that would result in Appellants’ claimed invention. Since Weinlaender and Garber fail to mention anything at all about selecting help information from third-party service providers based on the user help knowledge base, Appellants assert the rejection is improper.

Thus, for at least the reasons presented above, the rejection of claim 25 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 26 and 27

In regard to claim 26, Weinlaender in view of Garber fails to teach or suggest determining a priority for presentation of the help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information and presenting the selected help information according to the determined presentation mode and said priority. The Examiner cites paragraphs [0009] and [0026]-[0029] of Weinlaender, none of which teach or suggest the specific limitations of claim 26. More specifically, nowhere does Weinlaender mention anything at all about help rules, much less determining a priority for presentation of the help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information. The Examiner asserts “where the selected help information is dynamically selected depending on user’s utilization focus or utilization habits.” However, a user’s utilization focus and/or habits has nothing to do with help rules, much less determining a priority for presentation of the help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information.

Furthermore, the Examiner has not stated a proper reason as to why one or ordinary skill in the art would combine the teachings of Garber with the teachings

of Weinlaender to produce Appellants' invention as claimed. The Examiner asserts “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to the user’s typical preferences (Garber: Column 7, lines 27-37).” However, as demonstrated above, column 7, lines 27-37 of Garber fail to mention anything at all about help information. Similarly, Weinlaender fails to mention anything about multiple presentation modes. Since Weinlaender fails to mention anything about multiple presentation modes and Garber fails to mention anything at all about help information, one of ordinary skill in the art would have no motivation at to combine their teachings to “allow help information to be presented in a mode according to the user’s typical preferences” much less create Appellants’ invention as claimed. The Examiner is merely attempting to reconstruct Appellants’ claimed invention through hindsight analysis.

Thus, for at least the reasons presented above, the rejection of claim 26 is unsupported by the cited art and removal thereof is respectfully requested.

CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-8, 10, 11, 13-18, 20, 21 and 23-27 was erroneous, and reversal of his decision is respectfully requested.

The Commissioner is authorized to charge the appeal brief fee of \$510.00 and any other fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6034-04500/RCK.

Respectfully submitted,

/Robert C. Kowert/

Robert C. Kowert, Reg. #39,255
Attorney for Appellants

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8850

Date: June 16, 2008

VIII. CLAIMS APPENDIX

The claims on appeal are as follows.

1. A computer-implemented method of providing help information for a software application, comprising:

maintaining a user help knowledge base, wherein said maintaining comprises creating a plurality of data entries, wherein each data entry of said plurality of data entries comprises data indicating:

help information presented to a user by said software application in response to a selection of a help information file comprising the help information;

a presentation mode selected by the user, wherein said help information is presented to the user according to said presentation mode selected by the user; and

an application context, wherein the application context is a portion of said software application executing during said selection of the help information file;

selecting additional help information for presentation to a user based on a particular entry of the user help knowledge base including help information previously selected by a user as indicated by said particular entry;

determining a presentation mode for the additional help information based on said particular entry of the user knowledge base including a presentation mode

of help information previously selected by the user as indicated by said particular entry; and

presenting the additional help information according to the determined presentation mode.

2. The method of claim 1 further comprising tracking the help information previously selected by the user in a user help profile of the user help knowledge base.

3. The method of claim 2 wherein the user help knowledge base comprises a user application profile, wherein the user application profile comprises one or more personal details about the user.

4. The method of claim 1 further comprising prioritizing the additional help information for presentation based on the user help knowledge base and one or more help rules each associated with a change in application context of the software application.

5. The method of claim 1 wherein the selecting additional help information for presentation comprises selecting help information from third-party service providers based on the user help knowledge base.

6. The method of claim 1 wherein the presentation mode of the help information comprises a mode for presenting information to the user.

7. The method of claim 1 wherein the determined presentation mode comprises at least one selected from the group consisting of: a visual mode, a display mode and an audio mode.

8. The method of claim 7 wherein the display mode comprises a graphical form.

10. The method of claim 1 wherein one or more of the plurality of data entries further comprises:

at least one help topic associated with the help file; and

a help content format of the file.

11. A computer-implemented method of providing help information for a software application, comprising:

selecting particular help information for presentation to a user based on:

a user help knowledge base comprising data indicating:

help information previously accessed by the user;

a previous presentation mode, wherein the previous presentation mode is associated with said help information previously accessed by the user; and

an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user; and

a current application context that indicates a portion of the software application currently executing;

determining a presentation mode for the particular help information based on said previous presentation mode indicated by the user help knowledge base; and

presenting the particular help information according to the determined presentation mode.

13. The method of claim 11 wherein the user help knowledge base comprises a user application profile, wherein the user application profile comprises one or more personal details about the user.

14. The method of claim 11 further comprising prioritizing the particular help information for presentation based on the user help knowledge base and one or more help rules each associated with a change in application context.

15. The method of claim 11 wherein the selecting the particular help information for presentation comprises selecting help information from third party service providers based on the user help knowledge base.

16. The method of claim 11 wherein the presentation mode of the help information comprises a mode for presenting information to the user.

17. The method of claim 11 wherein the presentation mode is one of: a visual mode, a display mode or an audio mode.

18. The method of claim 17 wherein the display mode is one of a pop-up window box, a hypertext link or a search data entry box.

20. The method of claim 11 wherein one or more of the plurality of data entries further comprises:

at least one help topic associated with the help file; and

a help content format of the file.

21. A system of providing help information for a software application, comprising:

a processor configured to execute the software application;

a memory accessible to the processor, the memory storing a user help knowledge base and a database of help information files, wherein the user help knowledge base comprises a plurality of data entries each comprising data indicating:

help information previously accessed by a user from said database of help files;

a previous presentation mode, wherein said previous presentation mode is associated with said help information previously accessed by the user; and

an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by said user;

an input device communicatively coupled to the processor to receive user input; and

an output device communicatively coupled to the processor for presenting data;

wherein the software application is executable by the processor to provide:

a help module configured to select particular help information for presentation to a user based on:

said help information previously accessed by a user from said database of help files as specified by the user help knowledge base; and

said application context as specified by the user help knowledge base;

wherein the help module is further configured to determine a presentation mode for the particular help information based on said previous presentation mode indicated by the user help knowledge base;

an application module communicatively coupled to the help module wherein the application module and help module are configured to exchange user data; and

a user interface module communicatively coupled to the help module, wherein the user interface module is configured to:

receive user input from the user input device;

send user input data to the help module; and

format said particular help information from the help module according to the determined presentation mode for presentation by the output device.

23. The system of claim 21 wherein the user help profile comprises at least one data entry created by the software application in response to a user selection of a help information file from said database, the data entry including the following data: the application context in which the help file is selected, an identifier of the help file selected,

a presentation mode in which the help file was selected, at least one help topic associated with the help file, and a help content format of the file.

24. The system of claim 22 wherein the user help knowledge base comprises a user application profile.

25. The system of claim 21 wherein the system further comprises a network interface accessible to the processor, and wherein the help module further comprises a communication interface to a server for communications with a third party service provider, wherein the help module is further configured to request information from the third party service provider and to receive the information through the communication interface.

26. A computer-implemented method of providing help information for a software application, comprising:

selecting help information for presentation to a user based on other help information previously selected by a user;

determining a presentation mode of the selected help information based on a presentation mode of said other help information previously selected by the user; and

determining a priority for presentation of the help information based on one or more help rules, wherein said priority indicates an order of presentation for different portions of said help information;

presenting the selected help information according to the determined presentation mode and said priority.

27. The method of claim 26 further comprising tracking the help information previously selected by the user in a user help profile.

IX. EVIDENCE APPENDIX

No evidence submitted under 37 CFR §§ 1.130, 1.131 or 1.132 or otherwise entered by the Examiner is relied upon in this appeal.

X. RELATED PROCEEDINGS APPENDIX

There are no related proceedings.